

REMARKS

The application includes claims 1-20 prior to entering this amendment.

The Examiner objected to claim 9 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner rejected claims 1-3, 10-12, 14, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Weiss *et al.* (U.S. Patent 6,741,600) in view of Hepworth *et al.* (U.S. Patent Application Publication No. 2004/0073690).

The Examiner rejected claims 4 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Weiss in view of Hepworth as applied to claim 3 above, and further in view of Bushmitch *et al.* (U.S. Patent 6,275,471).

The Examiner rejected claims 5-8, 15, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Weiss in view of Hepworth as applied to claim 3 above, and further in view of Teruhi *et al.* (U.S. Patent Application Publication No. 2003/0072269).

The Examiner rejected claims 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Teruhi in view of Hepworth.

The Examiner rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Teruhi in view of Hepworth as applied to claim 19 above, and further in view of Chu *et al.* (U.S. Patent Application Publication No. 2007/0073690).

The application remains with claims 1-8 and 10-20 after entering this amendment.

No new matter is added and reconsideration is respectfully requested.

Claim Objections

The Examiner objected to claims 18-20 because of informalities. Claims 18-20 have been amended as suggested by the Examiner and are therefore allowable.

The Examiner objected to claim 9 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The elements of claim 9 have been added to independent claims 1 and 11. Accordingly,

Claims 1-8, 10, 11-17 are in condition for allowance.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 4 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Weiss in view of Hepworth as applied to claim 3 above, and further in view of Bushmitch.

Claim 4 recites *the media path analysis report is a Real Time Control Protocol (RTCP) report*. The Examiner stated that the RTCP report is disclosed at column 6, lines 35-50 of Bushmitch. The rejection is respectfully traversed.

Bushmitch at column 6, lines 35-50 describes a “handshake” scheme where a sender entity sends an initiation message and a receiver entity sends an initiation acknowledge message. There is no suggestion of either the sender or receiver in Bushmitch sending a RTCP analysis report. An acknowledge message as described in Bushmitch does not contain any media path analysis and is not a RTCP report.

Accordingly, claim 4 is separately patentable under 35 U.S.C. § 103(a) over Weiss in view of Hepworth. Claim 13 includes at least some elements similar to claim 4 and is therefore separately patentable for at least some of the same reasons.

The Examiner rejected claims 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Teruhi in view of Hepworth.

Claim 18 recites

sending multiple RTP payload packets during and within the RTP signaling session that are formatted as if the RTP payload packets contain a media payload but the RTP payload packets formatted without media payloads and not containing any media payload;

setting a marker bit in one of the RTP payload packets formatted without media payloads and not containing any media payload that causes a receiver to send back a Real Time Control Protocol (RTCP) report that contains media path information for the sent RTP payload packets; and

sending a media stream to the receiver according to the media path information in the RTCP report.

Therefore, claim 18 also includes at least some elements similar to claims 4 and 13.

With regards to claim 18 the Examiner alleged that Hepworth disclosed sending multiple RTP payload packets during an RTP signaling session. However, the Examiner never alleged that Teruhi or Hepworth sends a Real Time Control Protocol (RTCP) report that contains media path information for the sent RTP payload packets.

There is no RTCP report generated in Teruhi or Hepworth much less an RTCP report that is sent responsive to RTCP payload packets that *contain a media payload but the RTP payload packets formatted without media payloads and not containing any media payload.*

For these reasons claim 18 is also patentable under 35 U.S.C. § 103(a).

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-8, and 10-20 is respectfully requested. The Examiner is encouraged to telephone the undersigned if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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